

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

REALTIME DATA, LLC D/B/A/ IXO,

*Plaintiff,*

v.

PACKETEER, INC.,  
BLUE COAT SYSTEMS, INC.,  
CITRIX SYSTEMS, INC.,  
EXPAND NETWORKS, INC.,  
F5 NETWORKS, INC.,  
7-ELEVEN, INC.,  
ABM INDUSTRIES, INC.,  
ABM JANITORIAL SERVICES –  
SOUTH CENTRAL, INC.,  
AVERITT EXPRESS, INC.,  
BUILD-A-BEAR WORKSHOP, INC.,  
DHL EXPRESS (USA), INC.,  
INTERSTATE BATTERY SYSTEM OF  
AMERICA, INC., AND  
O'REILLY AUTOMOTIVE, INC.

*Defendants.*

Civil Action No. 6:08-cv-00144-LED

**JURY TRIAL DEMANDED**

**DECLARATION OF JORDAN S. ADLER IN SUPPORT OF REALTIME DATA'S  
REPLY IN SUPPORT OF ITS MOTION TO STRIKE UNAUTHORIZED NEW  
INVALIDITY THEORIES FROM DEFENDANT CITRIX'S OPENING AND  
REPLY BRIEFS IN SUPPORT OF ITS MOTION FOR  
SUMMARY JUDGMENT OF INVALIDITY OF U.S. PATENT NO. 7,352,300**

I, Jordan S. Adler, have personal knowledge of the facts contained herein,  
and if called to testify, could testify competently thereto:

1. I am a member in good standing of the bar of the State of New York. I am an associate at the law firm of Ropes & Gray LLP. Ropes & Gray LLP is counsel for Realtime Data, LLC ("Realtime Data") in this action and I have personal knowledge of the facts set forth herein.

2. I make this declaration in support of Realtime Data's Reply In Support Of Its Motion To Strike Unauthorized New Invalidity Theories From Defendant

Citrix's Opening And Reply Briefs In Support Of Its Motion For Summary Judgment Of Invalidity Of U.S. Patent No. 7,352,300.

3. Attached as Exhibit A is a true and correct copy of e-mail correspondence between Steven Tang, counsel for Citrix Systems, Inc. and Ching-Lee Fukuda, counsel for Realtime Data, LLC.

4. Attached as Exhibit B is a true and correct copy of a file entitled "Appendix G Cover Sheet" attached to Steven D. Tang's April 24, 2009 e-mail (attached as Exhibit A at 1-2).

5. Attached as Exhibit C is a true and correct copy of a file entitled "Appendix G – 300 Claim Chart (Fox et al.)" attached to Steven D. Tang's April 24, 2009 e-mail (attached as Exhibit A at 1-2).

6. Attached as Exhibit D is a true and correct copy of the Memorandum And Order Re: Defendant's Motion For Summary Judgment Of Invalidity, D.I. 217, in *IXYS Corp. v. Advanced Power Tech., Inc.*, C 02-03942 (N.D. Cal.).

7. Attached as Exhibit E is a true and correct copy of Advanced Power Technology, Inc.'s Notice Of Motion And Motion For Summary Judgment Of Obviousness Of U.S. Patents 5,486,715 And 5,801,419, D.I. 323, in *IXYS Corp. v. Advanced Power Tech., Inc.*, C 02-03942 (N.D. Cal.).

8. Attached as Exhibit F is a true and correct copy of a document entitled Declaration Of Michael Barclay In Support Of IXYS's Motion To Preclude APT's Untimely Produced Evidence And To Strike References Thereto In APT's Motion For Summary Judgment Of Non-Infringement Of U.S. Patents 5,486,715 And 5,801,419, D.I. 260, and Exhibit 11 (Part A) to that document entitled Advanced Power Technology Incorporated's Final Invalidity Contentions, D.I. 274, in *IXYS Corp. v. Advanced Power Tech., Inc.*, C 02-03942 (N.D. Cal.).

9. I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct.

October 19, 2009

  
Jordan S. Adler